

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 10/563,659
Applicant: Peter Schwind et al.
Filed: February 20, 2007
Title: DEVICE AND METHOD FOR SIMULTANEOUSLY IDENTIFYING
BLOOD GROUP ANTIGENS
T.C./A.U.: 1641
Examiner: Bao Thuy L. Nguyen
Confirmation No.: 5376
Docket No.: BPD-102US

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants thank Examiner Nguyen for the time and courtesy extended to Applicants' representatives, Jacques Etkowicz and Brian Cocca, during a telephone interview on August 19, 2009. Applicants submit the following remarks to complete the recordation of the interview. 37 C.F.R. § 1.133; M.P.E.P. § 713.04.

During the August 19 interview, Applicants' representatives discussed amendments to claims 1 and 20, submitted in a request for reconsideration filed with the USPTO on August 18, 2009, that Applicants believe remove the basis for the rejection of claims 1, 3-9, and 20-23 under 35 U.S.C. §112, first paragraph for alleged failure to comply with the written description requirement. The amendments change the term "physical separator" to "liquid barrier."

Applicants' representatives explained that paragraph [0023] of the published application describes sealing elements that function as a liquid barrier and permit the directional distribution of the sample liquid in the membrane. Applicants' representatives pointed to Figures 3-6 as showing such sealing elements/liquid barriers present between the application zone and group of indicator zones, but not present between the individual indicator zones. Applicants' representatives argued that the Figures show possession of the feature "absent a liquid barrier" as provided in the amended claims.

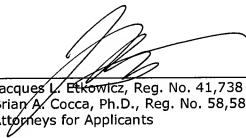
Examiner Nguyen replied that she believed the amendments would overcome the rejection under §112, first paragraph, but indicated that she would review the specification on the whole to be sure, and would respond as necessary in the next Office Action.

Examiner Nguyen also suggested that new claim 26 may be subject to a Restriction Requirement as claiming a different configuration of the device. Applicants' representatives replied that they believe claim 1 is generic to claim 26, and that dependent claim 22, which was pending and examined, recites a similar configuration.

No firm agreement was reached with respect to the rejected claims as a result of the interview.

Respectfully submitted,

RatnerPrestia



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JLE/BAC/kpc

Date: August 19, 2009

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